

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SILVERCREEK MANAGEMENT INC., et al.,)
Plaintiffs,)
vs.)
CITIGROUP, INC., et al.,)
Defendants.)
Civil Action No. 03-0815

**SILVERCREEK PLAINTIFFS' AGREED MOTION TO
AMEND THE BRIEFING SCHEDULE RELATING TO
DEFENDANTS' MOTIONS TO DISMISS**

Plaintiffs, Silvercreek Management, Inc., Silvercreek Limited Partnership, Silvercreek II Limited, OIP Limited, and Pebble Limited Partnership (collectively, the “Silvercreek Plaintiffs”) respectfully move this Court, by agreement, to amend the dates in this Court’s Scheduling Order dated September 16, 2011 (#127) (“Scheduling Order”), as to plaintiffs’ responses and defendants’ replies to the motions to dismiss the Third Amended Complaint.

In support of this Motion, the Silvercreek Plaintiffs state as follows:

1. This Court held a scheduling conference with the parties and entered a Scheduling Order with deadlines relating to the defendants' responsive pleadings to the Silvercreek Plaintiffs' Third Amended Complaint.

2. On September 27, 2011, the Bank Defendants filed their omnibus and individual motions to dismiss.

3. Under the Scheduling Order, Plaintiffs' responses to these motions are currently due on November 14, 2011. By this agreed motion, the Silvercreek Plaintiffs seek a three-week extension of time to file responses on or before December 5, 2011.

4. In light of the overlapping holidays, Bank Defendants have requested, and Silvercreek Plaintiffs do not oppose, resetting the date for Defendants' replies from December 9, 2011 to January 20, 2012.

5. The Scheduling Order sets a January 16, 2012 date by when the Court would attempt to rule on defendants' motions (approximately five weeks after submission of defendants' replies) – the parties defer to the Court to reset the ruling date in its discretion (but February 27, 2012 would be the parallel date).

6. The Scheduling Order also sets forth a schedule for briefing on other motions, including motions to reopen discovery, to be filed by January 30, 2012, which was based on a date two weeks following the anticipated ruling date. The parties defer to the Court to reset the date for such motions in its discretion (but March 12, 2012 would be the parallel date).

7. On November 3, 2011, Marc DeLeuw, liaison counsel for the Bank Defendants, advised counsel for Silvercreek Plaintiffs that the Bank Defendants do not object to the Silvercreek Plaintiffs' request for an extension of time and proposed a January 20, 2012 date for the Bank Defendants' replies.

WHEREFORE, the Silvercreek Plaintiffs respectfully move the Court to enter the proposed Amended Scheduling Order, attached as Exhibit A with this Unopposed Motion, granting leave to file Silvercreek Plaintiffs' responses on or before December 5, 2011, Defendants replies on or before January 20, 2012, and any other relief this Court

deems appropriate, including resetting the anticipated ruling date and briefing schedule on other motions, including motions to reopen discovery.

DATED: November 4, 2011

Respectfully submitted,

By: /s/ Scott F. Hessell
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CERTIFICATION

I certify that on November 4, 2011, a true and correct copy of the foregoing was served to all registered users through the Court's ECF/CM filing system.

By /s/ Scott F. Hessell
Attorneys for Plaintiffs

Exhibit A

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AMENDED SCHEDULING ORDER

Pending before the Court is Plaintiffs' Agreed Motion to Amend the Briefing Schedule Relating to Defendants' Motions to Dismiss. The Court grants the motion and amends the Scheduling Order as follows:

1. Plaintiffs' responses to motions to dismiss – December 5, 2011;
2. Defendants' replies – January 20, 2012. The Court will attempt to resolve these motions by _____, 2012

3. If appropriate, other motions, such as motions to reopen discovery, shall subsequently be filed by _____, 2012. Responses to these motions shall be due by _____, 2012. Replies shall be filed by _____, 2012.

SIGNED at Houston, Texas, this ____ day of November, 2011.

**MELINDA HARMON
UNITED STATES DISTRICT JUDGE**